

REMARKS

The Examiner has indicated that the pending claims are directed to the following three groups:

- Group I: Claims 1-12 directed to a recombinant viral vector which contains an insert exhibiting the general structure rTA-intron¹-TK⁺-TetO-CMV⁺-intron²-transgene for *in vitro* gene expression in eukaryotic cell lines.
- Group II: Claims 13-16 directed to a vector encoding a therapeutically effective protein, for gene therapy *in vivo*.
- Group III: Claims 17-18 directed to vector encoding a reporter protein for the detection of tetracycline or a derivative thereof in biological, food chemical or similar samples *in vitro* .

Applicant traverses the Restriction Requirement for the reasons stated below. In order to be responsive to the Office Action, Applicant elects the claims of Group I, claims 1-12. Furthermore, in claim 9 Applicant, selects SEQ ID NO:1 and in claim 10 Applicant selects SEQ ID NO:4 for prosecution. Applicant reserves the right to pursue prosecution of the non-elected claims in a later filed application claiming the benefit of priority of the above-identified Application.

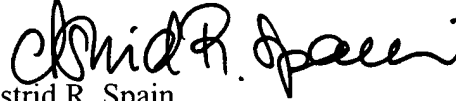
Applicant traverses the Restriction of Group I from Group II and III. Although patentably distinct, examination of the claims of Groups I, II and III will require a search of the recombinant viral vector of Group I. Given the significant overlap between the subject matter of the required searches, it would not be unduly burdensome for Groups I, II and III to be examined together. Reconsideration of the restriction is respectfully requested.

10/511,237

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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